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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,530	02/17/2004	Hiromi Takasaki	44471/297609	2436
23370	7590	10/25/2005	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/781,530	Applicant(s) TAKASAKI ET AL.	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4 and 6-7 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/17/04 &amp; 7/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

*W*

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I (claims 1-7) in the reply filed on 7/27/05 is acknowledged.

Claims 8-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/27/05.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement filed 7/26/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no explanation of relevance has been provided for either the Swiss or French documents (note that the European Search Report filed 6/14/04 was not received). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with

the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 subsection III, C(1).

### ***Drawings***

The drawings are objected to because the joining rib (103) is not structurally shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The disclosure is objected to because of the following informalities:

On page 7, line 6, "inner tube 2" should be "inner tube 102".

Appropriate correction is required.

### ***Claim Objections***

Claims 1-7 are objected to because of the following informalities:

In claim 1 line 2, both instances of "the" should be replaced with "a".

In claim 1 line 10, protruding outside of what?

In claim 1 lines 12-14, the phrase "and having an end joined to an end of the outer tube, with the curved portion having a through-hole for the inner tube to pass therethrough" should be more clearly tied to or related to the phrase "the coupling

comprising a branched portion brazed to an end of the outer tube and brazed to an end of the inner tube, with the end of the inner tube protruding outside through the branch portion" recited in lines 8-10 of claim 1 in order to preserve clarity. Specifically, in line 12, the phrase "having an end joined to an end of the outer tube" seems to be redundant given that lines 8-9 recite that the branched portion is brazed to an end of the outer tube. And the recitation in lines 13-14 should be related to the recitation "with the end of the inner tube protruding outside through the branched portion" as recited in lines 9-10.

In claim 2 line 4, "through" should be "via".

In claim 5 line 2, "part" should be "portion".

In claim 7 line 2, the phrase "the double tube has the inner tube movably inserted" should be "the inner tube is movably inserted".

In claim 7 lines 2-3, the phrase "movably inserted radially into the outer tube" is awkward and confusing.

In claim 7 lines 4-5, the phrase "wherein the through-hole is positioned to *avoid a region having a maximum extension* in the curved portion" is unclear. What is structure in the drawing represent the maximum extension in the curved portion?

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KURIMOTO LTD. (JP 08-338585) in view of Cornell, Jr. (US 2,033,122).

With respect to claim 1, KURIMOTO discloses a coupling for a double tube comprising: the coupling (1) configured to connect with the double tube, the double tube comprising: an inner tube (42) provided inside of the outer tube (41) and having an end protruding from the outer tube, the inner tube for a second fluid to flow therethrough, an outer tube for a first fluid to flow therethrough; and the coupling comprising a branched portion (1) connected to an end of the outer tube and connected to an end of the inner tube (see Figure 1), with the end of the inner tube protruding outside through the branched portion, the branched portion formed as a curved tube having a curved portion (13), and having an end joined to an end of the outer tube, with the curved portion having a through-hole for the inner tube to pass therethrough. It is unclear how KURIMOTO connects the branched portion to the end of the outer tube and to the end of the inner tube. Cornell, Jr. teaches soldering or brazing an end of one tube to the end of another tube. Given Cornell, Jr.'s teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the branched portion to the end of the outer tube (as at 12) and to the end of the inner tube (as at 14) via brazing in order to provide a secure and reliable connection.

With respect to claim 3, KURIMOTO fails to teach that the branched portion has an end formed with an expanded radial portion configured to receive and position axially

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the outer tube. KURIMOTO rather has the outer tube receiving the end of the branched portion. It would have been an obvious matter of design choice to instead form the end of KURIMOTO's branched portion (as at 12) as a female member and the outer pipe as a male member. This is considered to involve only routine skill in the art. And from Cornell Jr., the female member could have an expanded radial portion for receipt of the pipe.

With respect to claim 4, KURIMOTO fails to teach that the branched portion has an end having a distal end bent outwardly to form a brazing-material holding portion. The examiner takes official notice of a pipe with a distal end bent outwardly. And given such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distal end (as at 14) of KURIMOTO'S branched portion to be outwardly bent in order to form a brazing-material holding portion or to provide.

With respect to claim 6, wherein the branched portion has an inner surface having a brazing material layer thereon (as would be at 14).

With respect to claim 7, wherein the double tube has the inner tube movably inserted radially into the outer tube, wherein the through-hole is positioned to avoid a region having a maximum extension (as at 11) in the curved portion.



***Allowable Subject Matter***

Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that the allowability of claims 2 and 5 is also contingent upon overcoming the above-noted objections (see ***Claim Objections*** above).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## Certificate of Mailing

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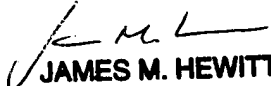
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**